

## Article - Family Law

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§5-1403.

(a) An action for termination of parental rights under this subtitle may be filed by either parent of the child, the child's court-appointed guardian, or the child's court-appointed attorney.

(b) (1) An action for termination of parental rights filed by a parent under this subtitle shall be filed within 7 years after the later of:

(i) the date of the birth of the child conceived as a result of the nonconsensual sexual conduct; or

(ii) the date on which the parent knew or should have known the other parent's identity.

(2) An action for termination of parental rights filed by a child's court-appointed guardian or attorney under this subtitle shall be filed before the child becomes an adult.

(c) In an action for termination of parental rights filed against a respondent by a child's court-appointed guardian or attorney under this subtitle:

(1) the other parent shall be joined as a party to the action; and

(2) the action may not proceed if the other parent objects before the commencement of a trial under this subtitle.

(d) (1) Except as provided in paragraph (3) of this subsection, when proof is made by affidavit that good faith efforts to serve the respondent have not succeeded or that the respondent has acted to evade service, the court may order any other means of service that the court considers appropriate under the circumstances and that is reasonably calculated to give actual notice of the proceeding to the respondent.

(2) The court shall rule on any motion for alternative service under this subsection within 15 days after the filing of the motion.

(3) The court may not require publication of the name or personally identifying information of the other parent or the child.

(e) (1) A scheduling conference shall be held within 60 days after service of the complaint.

(2) At the scheduling conference, the court:

(i) shall issue a scheduling order, taking into consideration the best interest of the child, the time needed for discovery, and the interest of justice;

(ii) after providing the parents with an opportunity to be heard, may determine temporary custody of the minor child; and

(iii) shall advise the respondent that:

1. the respondent may refuse to testify or to offer evidence; and

2. no adverse inference may be drawn from the respondent's refusal to testify or to offer evidence.

(3) Failure of the court to advise a respondent under paragraph (2)(iii) of this subsection is not grounds to overturn a finding under this subtitle.

(4) A complaint filed under this subtitle shall include a notice to the respondent that a scheduling conference will be held within 60 days after service of the complaint.

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